

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMIE LEONARD,

Plaintiff,

v.

**ST. CHARLES COUNTY POLICE
DEPARTMENT, ST. CHARLES
COUNTY DEPARTMENT OF
CORRECTIONS, C.O. HARRIS, S.P.O
FISHER, LISA BAKER, THOMAS LUPO,
KATIE KRANKEL, NURSE MARTIN,
NURSE THERESA and DR. JOHN (OR
JANE) DOE,**

Defendants.

Case No. 4:19-cv-00927-RLW

JOINT MOTION FOR SUBSTITUTION OF PARTIES

COME NOW Thomas R. Applewhite on behalf of Plaintiff and Drew A. Heffner on behalf of all Defendants and on behalf of St. Charles County, Missouri, and state as follows:

1. St. Charles County, Missouri should be substituted as a party for both the St. Charles County Police Department and the St. Charles County Department of Corrections. Therefore, the parties and St. Charles County, Missouri request that the St. Charles County Police Department and the St. Charles County Department of Corrections be removed from this case and that St. Charles County, Missouri be substituted as one Defendant in their place.

2. Once the aforementioned substitution of parties is granted, the parties jointly request that the pending Motion to Dismiss [Doc. 16] be denied as moot, and the parties jointly request that St. Charles County, Missouri be provided up to and including June 21, 2019 to answer the Complaint.

3. For clarity, Steven Harris should be substituted in place of Defendant C.O. Harris so that the record reflects his correct name.

4. For clarity, Donte Fisher should be substituted in place of Defendant S.P.O. Fisher so

that the record reflects his correct name.

5. For clarity, Katie Fisher Garofalo should be substituted in place of Defendant Katie Fisher so that the record reflects her correct name.

6. A Suggestion of Death [Doc. 17] was filed in this case on May 15, 2019 as to Defendant Thomas Lupo. Plaintiff reserves to file an appropriate motion for substitution by August 13, 2019 pursuant to Rule 25(a)(1). However, the parties are working on a resolution that would enable Mr. Lupo to be dismissed entirely upon the preservation of certain evidence believed to be in the possession of Mr. Lupo's family.

WHEREFORE, the parties and St. Charles County, Missouri jointly request that: (a) St. Charles County, Missouri be substituted as a party for both the St. Charles County Police Department and the St. Charles County Department of Corrections, (b) the pending Motion to Dismiss [Doc. 16] be denied as moot, (c) St. Charles County, Missouri be provided up to and including June 21, 2019 to answer the Complaint, (d) Steven Harris be substituted in place of Defendant C.O. Harris, (e) Donte Fisher be substituted in place of Defendant S.P.O. Fisher, and (f) Katie Fisher Garofalo be substituted in place of Defendant Katie Fisher

Dated: May 20, 2019

**DONNER APPLEWHITE,
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Respectfully submitted,

**OFFICE OF THE ST. CHARLES
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*Attorneys for Defendants
and St. Charles County, Missouri*

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2019, the foregoing was filed utilizing this Court's ECF system, which will distribute an electronic version of the foregoing to all counsel of record.

/s/ Thomas R. Applewhite